



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Greg S. Westrick  
Serial No. : 09/711,671  
Filed : November 13, 2000  
Title : A SYSTEM FOR ADMINISTERING AN ONLINE FINANCIAL  
AID SERVICE FOR A PLURALITY OF POST-HIGH SCHOOL  
EDUCATION FACILITIES  
Docket : 052156-031  
Examiner : Colbert, Ella  
Art Unit : 3624

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**BRIEF ON APPEAL**

This is an appeal from the Final Rejection mailed on June 23, 2006. A Notice of Appeal is submitted herewith.

**(1) Real Party in Interest**

This application is assigned to Student Loan Funding Resources, LLC, as evidenced by the Assignment recorded on August 10, 2001 at Reel/Frame 012065/0004. Accordingly, Student Loan Funding Resources, LLC is the real party in interest.

**(2) Related Appeals and Interferences**

The inventors, assignee and undersigned attorney are not aware of any appeals or interferences that would directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

**(3) Status of Claims**

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Claims 1-31 are pending. Claims 1-31 are rejected. The rejection of claims 1-31 is being appealed.

**(4) Status of Amendments**

No amendments have been filed subsequent to the Final Rejection.

**(5) Summary of the Invention**

The invention is an improved method and system for administering an on-line financial aid service for a plurality of post-high school education facilities. The system and method is an improvement over known systems and methods of administering on-line services, such as a those where an applicant is prompted to fill out a single, common or generic on-line loan application that is not customized for each lender.

The present invention improves upon these known methods and systems by allowing each school to, on its own, setup and customize financial-aid information/service Web-pages that will be presented to students by connecting to a school-access graphical user interface. For example, Applicant describes that a setup, maintenance and reporting module 30 is designed to allow a school representative to setup and customize the financial-aid information/service Web-pages on their own (using an Internet browser) by connecting to the Web-site access to the setup, maintenance and reporting module 30 and then setting up an account or database record, for the representative school in the database 36.<sup>1</sup> Once the account is set up, the module 30 provides the school representative with Web-pages 34 that include HTML forms and links, which the representative will use to provide information regarding the representative school and used to select custom content and processes for the school's customized financial-aid information and services.<sup>2</sup> After custom content and process selections have been entered/selected by the school's representative, a module will modify copies of a generic template with custom content and process selections entered/selected by the school representative and create exclusive Web-pages for the information and service module providing access to potential or existing students and/or their parents.<sup>3</sup> Claim 1 recites, for example, "the school-access graphical user interface enabling

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<sup>1</sup> Specification, pg. 4, ln. 29 – pg. 5, ln. 5 and Fig. 1.

<sup>2</sup> Specification, pg. 5, ln. 5-8.

<sup>3</sup> Specification, pg. 5, ln. 10-15.

a given post-highschool education facility to establish an account that causes the financial-aid-service software program to enable customization of the corresponding student-access graphical user interface for the given post-highschool education facility by providing at least one computer-based form including entry and/or selection fields for enabling a representative of the given post-highschool education facility to customize the content and operation of the corresponding student-access graphical user interface for the given post-highschool education facility."

An overall system and process for administering an on-line financial aid service for a plurality of post-high school education facilities is illustrated by Fig. 1 and described from pg. 3, ln. 12 to pg. 6, ln. 18. Various exemplary Web-pages, forms and fields are shown, for example, by Figs. 2-4 for setting up or accessing an account for the representative school, Figs. 6-11 for allowing the school's representative to set up an electronic financial-aid newsletter for the representative school, Figs. 12-14 for allowing the school's representative to set up a financial-aid counseling service for the representative school and Figs. 21A and 21B for allowing the school's representative to customize the look and feel of an electronic award notification.

**(6) Grounds of Rejection to be Reviewed on Appeal**

1. The rejection of claims 1, 2 and 18 as being obvious under 35 U.S.C. §103(a) over Hitchcock et al. (WO 99/63454) in view of Lebda et al. (U.S. 6,385,594).
2. The rejection of claims 3-17 and 19-30 as being obvious under 35 U.S.C. §103(a) over Hitchcock et al. and Lebda et al. in view of Mottola et al. (U.S. 5,745,885).

**(7) Argument**

Both independent claims 1 and 18 clarify a major distinction from the cited art, namely that each school can, on its own, set up and customize the financial-aid information/service Web-pages that will be presented to students by connecting to the school-access graphical user interface. This provides a customizable Web-based solution for universities and colleges wishing to have a dynamic Web-site to provide financial-aid information and services to potential and existing students and their parents.<sup>4</sup>

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<sup>4</sup> Specification, pg. 2, ln. 6-8.

**Argument #1: Claims 1, 2 and 18 are not obvious under 35 U.S.C. §103(a) over Hitchcock et al. in view of Lebda et al.**

*(a) The Examiner's combination of these two references fails to disclose or suggest Applicant's claims.*

Hitchcock et al. discloses a forms engine that processes applications for admission to institutions.<sup>5</sup> As noted by the Examiner, Hitchcock et al. fails to disclose the school-access graphical user interface enabling a given post-highschool education facility to establish an account that causes the financial-aid-service software program to enable customization of the corresponding student-access graphical user interface for the given post-highschool education facility by providing at least one computer-based form including entry and/or selection fields for enabling a representative of the given post-highschool facility to customize the content and operation of the corresponding student-access graphical user interface for the given post-highschool education facility and each student-access graphical user interface providing at least financial-aid information to the borrower.<sup>6</sup> In fact, Hitchcock et al. expressly states that "[i]n accordance with the present invention, the third party servicer provides customized forms for each participating institution...."<sup>7</sup>

To overcome these deficiencies of Hitchcock et al., the Examiner relies on Lebda et al. Lebda et al. discloses a loan processing web site that receives loan application information from a borrower, screens the information against criteria of the multiple lenders and sends the application to any lender where there is a match.<sup>8</sup> The Examiner asserts that Lebda et al. teaches, the school-access graphical user interface enabling a given post-highschool education facility to establish an account that causes the financial-aid-service software program to enable customization of the corresponding student-access graphical interface for the given post-highschool education facility by providing at least one computer-based form including entry and/or selection fields enabling a representative of the given post-highschool education facility to customize the content and operation of the corresponding student-access graphical user interface;

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<sup>5</sup> Hitchcock et al., pg. 5, ln. 8-9.

<sup>6</sup> June 23, 2006 Final Office Action, pg. 3.

<sup>7</sup> Hitchcock et al., pg. 8, ln. 11-13.

<sup>8</sup> Lebda et al., col. 2, ln. 66 –col. 3, ln. 25.

and each student-access graphical user interface providing at least financial-aid information to the borrower.<sup>9</sup> However, Applicant disagrees with this characterization of Lebda et al.

In Lebda et al., data is transferred back and forth between the lending site computers and the lenders.<sup>10</sup> A computer filters the data to match a completed application against preset criteria established by each lender.<sup>11</sup> As shown in Fig. 6 of Lebda et al., lender criteria are stored in tables 175 of the lender database 170 on computer 100. While Lebda et al. does disclose that the lenders can log in to a website to change their lending criteria filters and to view loan applications,<sup>12</sup> the website does not allow the lenders to customize a student-access graphical user interface as claimed by claims 1 and 18. Instead, a loan applicant fills out a single, common or generic loan application that is not customized for each lender. Thus, Applicant respectfully submits that Hitchcock et al. and Lebda et al., alone or in combination, fail to disclose or suggest Applicant's claims.

*(b) At the time of the invention, one of ordinary skill would not have been motivated by a reasonable consideration of Hitchcock et al. and Lebda et al. to allow each school, on its own, to set up and customize the financial-aid information/service Web-pages to be presented to students by connecting to the school-access graphical user interface, as claimed.*

As acknowledged by the Examiner, Hitchcock et al. fails to disclose the claimed combination. Applicant has carefully pointed out above that Lebda et al. does not teach a website configured to allow lenders to customize a student-access graphical user interface. For example, Lebda et al. states that "[i]t is a further object of the invention to provide a universal credit qualification form...and to allow the Internet user to submit a single credit application to a plurality of lending institutions..."<sup>13</sup> The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.<sup>14</sup> Neither Hitchcock et al. nor Lebda et al. provide any suggestion or motivation for the claimed invention.

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<sup>9</sup> June 23, 2006 Final Office Action, pg. 3-4.

<sup>10</sup> Lebda et al., col. 5, ln. 43-46.

<sup>11</sup> Id. at col. 4, ln. 42-45.

<sup>12</sup> Id. at col. 6, ln. 17-20.

<sup>13</sup> Id. at col. 1, ln. 53-57.

<sup>14</sup> *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

(c) *Lebda et al. actually teaches away from the claimed invention.*

Lebda et al. expressly states that their form is universal and that a single credit application is provided for a plurality of lending institutions.<sup>15</sup> A prior art reference that teaches away from the claimed invention is a significant factor to be considered in determining obviousness.<sup>16</sup>

All words in a claim must be considered in judging the patentability of that claim against the prior art.<sup>17</sup> Where the cited art combination lacks an element of the claim, in this case the claimed customization requirement, the cited art combination fails to make out a *prima facie* case of obviousness.<sup>18</sup> Because neither Hitchcock et al. nor Lebda et al. either alone or in combination disclose or fairly suggest a website configured to allow lenders to customize a student-access graphical user interface as claimed, both claims 1 and 18 are therefore patentable over the cited combination, and dependent claim 2 is patentable for at least the same reason.

**Argument #2: Claims 3-17 and 19-30 as are not obvious under 35 U.S.C. §103(a) over Hitchcock et al. and Lebda et al. in view of Mottola et al. (U.S. 5,745,885).**

*Mottola et al. does not overcome the deficiencies of Hitchcock et al. and Lebda et al.*

Like Hitchcock et al. and Lebda et al, Mottola et al. also fails to teach a system that includes a school-access graphical user interface that provides a form including fields for customizing the content and operation of a corresponding student-access graphical user interface. Instead, Mottola et al. is directed to an education funding plan that relies on the pooling of funds from a plurality of investors or shareholders.

Regarding claim 3, the Examiner recognizes that Hitchcock et al. and Lebda et al. fail to teach the substance of claim 3 but asserts that Mottola et al. teaches that financial-aid information and services provided by a student-access graphical user interface includes federally required financial-aid information.<sup>19</sup> Applicant notes that this assertion is incorrect. The cited passage of Mottola et al. merely identifies different types of loan plans that have been used in the

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<sup>15</sup> Id.

<sup>16</sup> MPEP §2145.

<sup>17</sup> *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

<sup>18</sup> *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

<sup>19</sup> June 23, 2006 Final Office Action, pg. 5.

past. No mention is made of a student-access graphical user interface providing federally required financial-aid information.

Addressing claim 4, the Examiner recognizes that Hitchcock et al., Lebda et al. and Mottola et al. fail to teach the system of claim 4 but asserts that it would have been obvious to have the student-access graphical user interface include a monitor program determining whether the borrower has accessed the federally required financial-aid information and to modify Hitchcock et al. because such a modification would allow Hitchcock et al. to have an on-line system that will notify the user when the user has accessed the forms for a federally required student loan because there are subsidized and unsubsidized student loans.<sup>20</sup> The idea that it would be obvious to modify Hitchcock to provide a student-access graphical user interface with such a monitor program is inconsistent with the fact that Hitchcock et al. does not teach the provision of financial-aid information and services in the first place and therefore the obviousness rejection falls short.

Addressing claim 5, the Examiner recognizes that Hitchcock et al. and Lebda et al. fail to teach the substance of claim 5 but asserts that Mottola et al. teaches the substance of claim 5.<sup>21</sup> Applicant disagrees. The cited passages of Mottola et al. discuss the formation of investment trusts formed from a portfolio of students that contribute a portion of their earnings to the trust, and that students must apply to participate in the plan by submitting an application requesting various student details. No mention is made of a monitor program providing data to post-high school education facilities about the student's access to federally required financial-aid information.

Addressing claims 6 and 25, the action recognizes that Hitchcock et al. and Lebda et al. fail to teach the substance of claims 6 and 25, but asserts that Mottola et al. teaches a monitor program that tests a borrower's knowledge of the federally required financial-aid information.<sup>22</sup> This assertion is incorrect. The cited portions of Mottola et al. teach that in evaluating whether a student qualifies for participation in an investment trust the student's academic credentials (e.g., standardized test scores, grade point averages, class standing, grades) are analyzed. Again, no mention is made of testing a student's knowledge of federally required financial-aid information.

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<sup>20</sup> Id. at pg. 5-6.

<sup>21</sup> Id. at pg. 6.

<sup>22</sup> Id. at pg. 6-7.

Addressing claim 8, the Examiner recognizes that Hitchcock et al. and Lebda et al. fail to teach the substance of claim 8 but asserts that Mottola et al. teaches providing information on financial-aid products.<sup>23</sup> Applicant again disagrees. The cited passages of Mottola et al. simply mention as background information several types of loan programs that have been available in the past. This does not constitute a teaching to provide such information to students. In fact, the entire purpose of Mottola et al. is to provide an alternative to such standard loan programs.

Addressing claim 10, the Examiner asserts that Hitchcock et al. teaches that a form provided at a school-access graphical user interface includes a field to allow each post high school education facility to enter a school color and an image.<sup>24</sup> First, as noted above with respect to claim 1, Hitchcock et al. lacks any teaching of a school-access graphical user interface. Second, while Hitchcock et al. does suggest that its system may produce different on-line applications for respective schools, including individualized school graphics, Hitchcock et al. does not teach that the school itself loads such information through use of an on-line form.

Claim 31 requires that the school access graphical user interface includes at least one field for customizing the operation of an electronic newsletter service, at least one field for customizing the operation of a required student training service, at least one field for customizing the operation of a financial-aid qualification service and at least one field for customizing the operation of a financial-aid award notification service. None of Hitchcock et al., Lebda et al. and Mottola et al. teach of an electronic newsletter service or a required student training service and claim 31 is patentable for at least this reason.

## **(8) Summary**

In closing, it is noted that the Final Rejection includes rejections of the claims over various prior art references. However, not a single one of the cited references discloses a system that includes a school-access graphical user interface that provides a form including fields for customizing the content and operation of a corresponding student-access graphical user interface as claimed.

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<sup>23</sup> Id. at pg. 8.

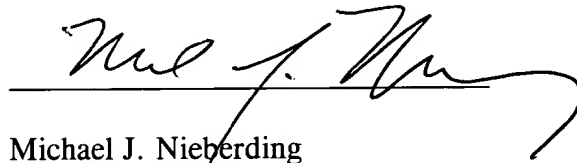
<sup>24</sup> Id. at pg. 9.



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Appeal Brief

Accordingly, the Applicant respectfully requests the Honorable Board of Patent Appeals and Interferences to reverse the rejection of claims 1, 2 and 18 as being obvious under 35 U.S.C. §103(a) over Hitchcock et al. in view of Lebda et al., to reverse the rejection of claims 3-17 and 19-30 as being obvious under 35 U.S.C. §103(a) over Hitchcock et al. and Lebda et al. in view of Mottola et al. and to remand the application with directions to pass the application to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nieberding", is written over a horizontal line.

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APPENDIX - COPY OF CLAIMS INVOLVED IN APPEAL

1 (Previously Presented). A system for administering an on-line financial-aid service for a plurality of post-highschool education facilities, comprising:

- a centralized computer server operatively coupled to a computer network;
- a plurality of school computer servers for a plurality of post-highschool education facilities operatively coupled to the computer network; and
- at least one user computer operatively coupled to the computer network, the user computer being a computer of a borrower taken from a group consisting of a prospective student, an existing student, a parent of a prospective student and a parent of an existing student;
- each school computer server including a Web-site software program providing a graphical user interface representing a Web-site for the respective post-highschool education facility on the computer network, the Web-site graphical user interface including an address link for connecting the user computer to the centralized computer server;
- the centralized computer server including a financial-aid-service software program providing a school-access graphical user interface accessible by each of the post-highschool education facilities and a student-access customizable graphical user interface for each of the post-highschool education facilities, accessible by the borrower;
- the school-access graphical user interface enabling a given post-highschool education facility to establish an account that causes the financial-aid-service software program to enable customization of the corresponding student-access graphical user interface for the given post-highschool education facility by providing at least one computer-based form including entry and/or selection fields for enabling a representative of the given post-highschool education facility to customize the content and operation of the corresponding student-access graphical user interface for the given post-highschool education facility; and
- each student-access graphical user interface providing at least financial-aid information to the borrower.

2 (Original). The system of claim 1, wherein the student-access graphical user interface provides financial-aid services to the borrower in addition to the financial-aid information.

3 (Original). The system of claim 2, wherein the financial-aid information and services provided by the student-access graphical user interface includes federally required financial-aid education information.

4 (Original). The system of claim 3, wherein the student-access graphical user interface includes a monitor program determining whether the borrower has accessed the federally required financial-aid information.

5 (Original). The system of claim 4, wherein the monitor program is programmed to provide data to the corresponding post-highschool education facility concerning the borrower's access to the federally required financial-aid information.

6 (Original). The system of claim 5, wherein the monitor program includes a test for testing the borrower's knowledge of the federally required financial-aid information and the monitor program is programmed to notify the corresponding post-highschool education facility of the borrower's test results.

7 (Original). The system of claim 6, wherein the form provided by the school-access graphical user interface includes a field to allow the operation of the test to be selected.

8 (Original). The system of claim 1, wherein the financial-aid information provided by the student-access graphical user interface includes information pertaining to financial-aid products.

9 (Original). The system of claim 8, wherein the financial-aid-service software program is provided by a proprietor of financial-aid products, and the information pertaining to financial-aid products is preloaded with information pertaining to the financial-aid products of the proprietor.

10 (Original). The system of claim 1, wherein the form provided by the school-access graphical user interface includes a field to allow each post-highschool education facility to enter a school

color and an image pertaining to the school, and the student-access graphical user interface including the school color and image to project to the borrower an association the post-highschool education facility.

11 (Original). The system of claim 1, wherein the school access graphical user interface includes at least one field for customizing the operation of at least one of a group consisting of an electronic newsletter service, a required student training service, a financial-aid qualification service, a financial-aid award notification service, a financial-aid product information service, a financial-aid provider information service, and a database record-keeping and reporting service.

12 (Original). The system of claim 1, wherein the school access graphical user interface includes at least one field for customizing the operation of a financial-aid award notification service.

13 (Original). The system of claim 1, further comprising a database accessible by the centralized computer server, wherein the financial-aid-service software program is programmed to create a record for each post-highschool education facility that registers with the school-access graphical user interface, the record containing customized content and operation selections made by the post-highschool education facility.

14 (Original). The system of claim 13, wherein the student-access graphical user interface draws from the record for the post-highschool education facility to provide financial-aid information to the borrower in a format and operation specified, at least in part, by the customized content and operation selections made by the post-highschool education facility registered with the school-access graphical user interface.

15 (Original). The system of claim 14, wherein the financial-aid-service software program is further programmed to store data regarding actions taken by borrowers interfacing with the student-access graphical user interface.

16 (Original). The system of claim 15, wherein the financial-aid-service software program is further programmed to formulate reports for the post-highschool education facility registered with the school-access graphical user interface from the data regarding actions taken by borrowers interfacing with the student-access graphical user interface.

17 (Original). The system of claim 13, wherein the financial-aid-service software program includes a plurality of customizable template modules for the student-access graphical user interface, the template modules being customized with the customized content and operation selections made by the post-highschool education facility registered with the school-access graphical user interface.

18 (Previously Presented). A method for administering a financial-aid service to a post-highschool education facility, comprising the steps of:

providing a computer-implemented, customizable student-access graphical user interface accessible by at least one of a group consisting of a student of a post-highschool education facility, a prospective student of the post-highschool education facility, a parent of a student of the post-highschool education facility, and a parent of a prospective student of the post-highschool education facility;

providing a computer-implemented school-access graphical user interface accessible by a representative of the post-highschool education facility enabling the post-highshcool education facility to establish an account that facilitates customization of the student-access graphical user interface for the post-highshcool education facility;

the school-access graphical user interface prompting the representative of the post-highschool education facility for content and operation entries that, when entered by the representative, will be used for customization of the student-access graphical user interface for the post-highshcool education facility; and

customizing the student-access graphical user interface with the content and operation entries given by the representative of the post-highschool education facility.

19 (Original). The method of claim 18, further comprising the steps of storing the content and operation entries given by the representative of the post-highschool education facility in a record associated with the post-highschool education facility in a database, wherein the customizing step includes a step of accessing the stored content and operation entries from the record associated with the post-highschool education facility.

20 (Original). The method of claim 19, further comprising the step of accessing the school-access graphical user interface by a plurality of representatives from a respective plurality of post-highschool education facilities, wherein the prompting and customizing steps are performed for each of the plurality of post-highschool education facilities.

21 (Original). The method of claim 20, wherein:

the student-access graphical user interface is accessible as a Web-site on the Internet; and  
the school-access graphical user interface is accessible as a Web-site on the Internet.

22 (Original). The method of claim 21, wherein the school-access graphical user interface includes at least one field for customizing the operation of at least one of a group consisting of an electronic newsletter service, a financial-aid education service, a financial-aid qualification service, a financial-aid award notification service, a financial-aid product information service, a financial-aid provider information service, and a database record-keeping and reporting service.

23 (Original). The method of claim 18, further comprising the step of providing at least one financial-aid service by the student-access graphical user interface.

24 (Original). The method of claim 23, wherein the financial-aid service is taken from a group consisting of a financial-aid education service, a financial-aid qualification service, a financial-aid award notification service, a financial-aid product information service, and a financial-aid provider information service.

25 (Original). The method of claim 23, wherein the financial-aid service is a financial-aid education service, and the student-access graphical user interface performs the step of displaying financial-aid education information to an individual accessing the service and testing the individual's knowledge of the displayed financial-aid information.

26 (Original). The method of claim 25, wherein the stored content and operation entries from the record associated with the post-highschool education facility include operation entries dictating an operation of the testing step.

27 (Original). The method of claim 26, wherein the individual is one of a student and a prospective student of a post-highschool education facility and the method further includes the step of notifying the individual's post-highschool education facility of results from the testing step.

28 (Original). The method of claim 27, further comprising the step of providing a display by the student-access graphical user interface indicating the individual's relative progress in the financial-aid education service.

29 (Original). The method of claim 23, wherein:

the financial-aid service is at least one of a financial-aid product information service and a financial-aid product application service;

the student-access graphical user interface and the school-access graphical user interface are provided by a proprietor of a financial-aid product; and

the method further includes the step of preloading the financial-aid service with information about the proprietor's financial-aid product.

30 (Original). The method of claim 18, wherein the content and operation entries given by the representative of the post-highschool education facility include a school color and a school logo.

31 (Previously Presented). The system of claim 1 wherein the school access graphical user interface includes at least one field for customizing the operation of an electronic newsletter service, at least one field for customizing the operation of a required student training service, at least one field for customizing the operation of a financial-aid qualification service and at least one field for customizing the operation of a financial-aid award notification service.



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## EVIDENCE APPENDIX

None submitted.

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#### RELATED PROCEEDINGS APPENDIX

No related proceedings.